

February 1, 2000

Mr. Wayne White  
Field Supervisor  
U.S. Fish and Wildlife Service  
Department of Interior  
2800 Cottage Way, W-2605  
Sacramento, California 95825-1989

Dear Mr. White:

I am writing this letter to follow up on my meeting with Mr. Mike Fris and Mr. Gary Falxa of your staff on applying for an incidental take permit for a fairy shrimp survey for the North of the Delta Offstream Storage Investigation. The data collected from the survey would be valuable in the decision making process of choosing a preferred alternative for the project.

The four potential project sites cover over 50,000 acres and include over 200 landowners. As Ms. Cay Goude commented in her letter of April 19, 1999, it would be important to complete surveys as the assumption of shrimp presence would not be acceptable. The affected landowners are however concerned that the U.S. Fish and Wildlife Service reporting requirement and potential presence of species may result in restrictions on their land use activities; and therefore, do not want to grant entry permits for the survey. I believe we can negotiate with the landowners and get right-of-entry permits if we can provide assurances that specific location of species will not be disclosed at this time.

At issue is the USFWS protocol requiring the reporting of the exact locations where the shrimp are found. We are requesting that you use your discretionary power in reviewing the survey records and to grant modified reporting requirements in which the data collected be reported in an aggregated form. Our intent is to maintain complete and accurate records of any take of shrimp pursuant to the permit, however, we request that for reporting purposes, the data be aggregated by either reservoir area or by the Township and Range.

The data collected will be recorded as to the exact locations per USFWS protocol and may be disclosed to the USFWS and other resources agencies if the project moves forward and the land is purchased. This would provide assurances for the agencies that appropriate mitigation measures will be developed for the project based on the exact locations, habitat type, and habitat and species densities. We believe the data reported,

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even in its aggregated form, would provide valuable information for the preservation and management of species and their habitat. The survey would not only ensure we have the most accurate scientific and biologic data to determine the feasibility of the projects, it would provide valuable information for the continued preservation of species. The shrimp survey is a critical element of our data collection and would be critical to the progress of the CALFED program.

I request that you and your staff take this issue under consideration and assist us in proceeding to conduct this important survey. Thank you for your consideration. If you have any questions or would like to discuss this issue, please contact me at (916) 327-1713.

Sincerely,

**Original Signed by**

Naser Bateni, Chief  
Integrated Storage Investigations  
Division of Planning and Local Assistance

cc: (See attached list.)

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2800 Cottage Way, W-2605  
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Mr. Gary Falxa  
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